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June 30, 2023

**BY ECF**

The Honorable Frederic Block  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: Bagley et al. v. N.Y. State Dep't of Health, et al., No. 15-cv-4845 (FB) (CLP)

Your Honor:

This office represents defendants the New York State Department of Health and its commissioner, James McDonald (collectively “DOH”), in the above-captioned action. This letter is submitted jointly by the parties pursuant to the Court’s May 30, 2023, Order.

The parties are pleased to report that they are close to finalizing the details of both the stipulation of settlement and a number of ancillary documents. As noted previously, the parties have reached agreement on the amount of Plaintiffs’ counsel fees to be paid by DOH. With regard to the proposed Fairness Notice presented to the Court in the parties’ last report, which notice the Court approved, DOH has started the process of translating the notice into the ten most common languages in New York City, which will expedite dissemination of the Fairness Notice when the Court gives its final approval of the stipulation of settlement. Once counsel have finalized the terms of the stipulation and the ancillary documents—which we anticipate will take a week or two—DOH will require two to three weeks to obtain the mandatory sign-off from the State executive.

Additionally, Plaintiffs’ counsel continue to work with the family of deceased Named Plaintiff Michelle Bagley to create her estate. Ms. Bagley’s family members are reviewing the completed paperwork for submission to the Surrogate’s Court. Plaintiffs’ counsel will advise the Court upon the submission of the signed application.

Hon. Frederic Block  
June 30, 2023

Page 2 of 2

Given the parties' cooperative and very productive efforts, and in an effort to complete all final ministerial issues, the parties request the Court's permission to report back to the Court on the status of the settlement by July 31, 2023.

Respectfully submitted,

/s/ John Gasior  
Assistant Attorney General  
Attorney for DOH

cc: All counsel of record, via ECF